

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

LAWHQ, LLC, and THOMAS ALVORD,

Plaintiffs,

v.

SEANA WILLING, in her official capacity as  
Chief Disciplinary Counsel of the Texas  
Office of Chief Disciplinary Counsel,

Defendant.

Civil Action No. 1:20-cv-00085-RP

**JOINT STATUS REPORT**

On March 20, 2020, this Court stayed this case involving a challenge to Texas Disciplinary Rule of Professional Conduct 7.01(a), pursuant to an agreement by the parties to hold the proceedings in abeyance until completion of the rule-proposal process under §§ 81.0875-81.08794 of the State Bar Act (Tex. Gov't Code Ann. ch. 81) to amend Part VII of the Texas Disciplinary Rules of Professional Conduct ("Part VII"). (Order, Dkt. 17). In an Order dated June 19, 2020, this Court ordered "that the parties shall jointly file a report apprising the Court of the status of this case every 90 days, with the first report due June 26, 2020." (Order, Dkt. 20, at 1). The parties respectfully submit this joint status report in accordance with this Court's June 19, 2020 Order.

**I. Case Background**

On January 23, 2020, Plaintiffs LawHQ, LLC ("LawHQ") and Thomas Alvord sued Defendant Seana Willing, only in her official capacity as Chief Disciplinary Counsel of the Texas Office of Chief Disciplinary Counsel, claiming that Texas Disciplinary Rule of Professional Conduct 7.01(a) violates their First Amendment right of free speech. (Compl., Dkt. 1). Rule 7.01(a) provides that "[a] lawyer in private practice shall not practice under a trade name . . . or a firm name containing names other than those of one or more of the lawyers in the firm." Pursuant to

Tex. Gov't Code Ann. § 81.0875, the Committee on Disciplinary Rules and Referenda has initiated the statutory process to amend Part VII, including to eliminate Rule 7.01(a)'s blanket prohibition on the use of trade names. The parties have agreed that it is appropriate to hold the proceedings before this Court in abeyance until that process is complete. (Mot., Dkt. 16). The parties also have agreed that the rule-proposal process to amend Part VII should be considered complete upon the earlier of (1) the defeat of the proposed amendments; or (2) approval of the proposed amendments by the Texas Supreme Court in accordance with Tex. Gov't Code Ann. § 81.0879. (*Id.* at 1-2).

## **II. Progress of Rule-Proposal Process**

As explained in the parties' June 26, 2020 joint status report, the Committee on Disciplinary Rules and Referenda ("CDRR") has proposed to amend Part VII. As part of that proposal, the CDRR has proposed to remove Rule 7.01(a)'s trade name prohibition, but maintain a prohibition on false or misleading communications about the qualifications or services of a lawyer or law firm. After completing the required publication of the Part VII proposal in the March 2020 *Texas Bar Journal* and holding a public hearing on April 7, 2020, the CDRR voted at its May 6, 2020 meeting to amend the Part VII proposal again to add language expressly stating that lawyers may practice law under a trade name that is not false or misleading, and to recommend the amended Part VII proposal to the State Bar Board.

At the recommendation of the Discipline and Client Attorney Assistance Program Subcommittee of the State Bar Board, the full State Bar Board voted to accept the CDRR's amended Part VII proposal at its June 24, 2020 meeting. The agenda for the September 25, 2020 State Bar Board meeting now calls for the Board to vote on a resolution to petition to the Supreme Court to order a referendum by members of the State Bar on the amended Part VII proposal. *See* State Bar of Texas Board of Directors Agenda for September 25, 2020, Item 16(A)(2)(c) (available

at

[https://www.texasbar.com/AM/Template.cfm?Section=Meeting\\_Agendas\\_and\\_Minutes&Template=/CM/ContentDisplay.cfm&ContentID=51385](https://www.texasbar.com/AM/Template.cfm?Section=Meeting_Agendas_and_Minutes&Template=/CM/ContentDisplay.cfm&ContentID=51385)).

Dated: September 23, 2020

Respectfully submitted,

/s/ Gregory A. Beck

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**CERTIFICATE OF SERVICE**

I certify that on September 23, 2020, I electronically filed the foregoing Joint Status Report with the Clerk of the Court for the U.S. District Court for the Western District of Texas by using the Court's CM/ECF system, which will send notification of such filing to the following:

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